



# House of Representatives

## File No. 902

General Assembly

January Session, 2009

**(Reprint of File No. 663)**

House Bill No. 6707  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 4, 2009

**AN ACT MAKING MINOR, TECHNICAL AND CONFORMING CHANGES  
TO CERTAIN STATUTES CONCERNING CRIMINAL AND CIVIL LAW  
AND PROCEDURE.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2009*):

4 (b) The application form shall allow the applicant, at the applicant's  
5 option, to indicate whether the respondent holds a permit to carry a  
6 pistol or revolver or possesses one or more firearms. The application  
7 shall be accompanied by an affidavit made under oath which includes  
8 a brief statement of the conditions from which relief is sought. Upon  
9 receipt of the application the court shall order that a hearing on the  
10 application be held not later than fourteen days from the date of the  
11 order. The court, in its discretion, may make such orders as it deems  
12 appropriate for the protection of the applicant and such dependent  
13 children or other persons as the court sees fit. Such order may include  
14 temporary child custody or visitation rights and such relief may

15 include but is not limited to an order enjoining the respondent from (1)  
16 imposing any restraint upon the person or liberty of the applicant; (2)  
17 threatening, harassing, assaulting, molesting, sexually assaulting or  
18 attacking the applicant; or (3) entering the family dwelling or the  
19 dwelling of the applicant. [The court, in its discretion, may make such  
20 orders as it deems appropriate for the protection of] Such order may  
21 include provisions necessary to protect any animal owned or kept by  
22 the applicant including, but not limited to, an order enjoining the  
23 respondent from injuring or threatening to injure such animal. If an  
24 applicant alleges an immediate and present physical danger to the  
25 applicant, the court may issue an ex parte order granting such relief as  
26 it deems appropriate. If a postponement of a hearing on the  
27 application is requested by either party and granted, the order shall  
28 not be continued except upon agreement of the parties or by order of  
29 the court for good cause shown.

30 Sec. 2. Subsection (d) of section 46b-38b of the general statutes is  
31 repealed and the following is substituted in lieu thereof (*Effective July*  
32 *1, 2009*):

33 (d) It shall be the responsibility of the peace officer at the scene of a  
34 family violence incident to provide immediate assistance to the victim.  
35 Such assistance shall include, but not be limited to: (1) Assisting the  
36 victim to obtain medical treatment if such treatment is required; (2)  
37 notifying the victim of the right to file an affidavit [or] for a warrant for  
38 arrest; and (3) informing the victim of services available and referring  
39 the victim to the Office of Victim Services. In cases where the officer  
40 has determined that no cause exists for an arrest, assistance shall  
41 include: (A) Assistance as provided in subdivisions (1) to (3), inclusive,  
42 of this subsection; and (B) remaining at the scene for a reasonable time  
43 until, in the reasonable judgment of the officer, the likelihood of  
44 further imminent violence has been eliminated.

45 Sec. 3. Subsection (a) of section 46b-86 of the general statutes is  
46 repealed and the following is substituted in lieu thereof (*Effective July*  
47 *1, 2009*):

48 (a) Unless and to the extent that the decree precludes modification,  
49 [the court may order either party to maintain life insurance for the  
50 other party or a minor child of the parties or] any final order for the  
51 periodic payment of permanent alimony or support, [or] an order for  
52 alimony or support pendente lite or an order requiring either party to  
53 maintain life insurance for the other party or a minor child of the  
54 parties may, at any time thereafter, be continued, set aside, altered or  
55 modified by [said] the court upon a showing of a substantial change in  
56 the circumstances of either party or upon a showing that the final  
57 order for child support substantially deviates from the child support  
58 guidelines established pursuant to section 46b-215a, unless there was a  
59 specific finding on the record that the application of the guidelines  
60 would be inequitable or inappropriate. There shall be a rebuttable  
61 presumption that any deviation of less than fifteen per cent from the  
62 child support guidelines is not substantial and any deviation of fifteen  
63 per cent or more from the guidelines is substantial. Modification may  
64 be made of such support order without regard to whether the order  
65 was issued before, on or after May 9, 1991. In determining whether to  
66 modify a child support order based on a substantial deviation from  
67 such child support guidelines the court shall consider the division of  
68 real and personal property between the parties set forth in the final  
69 decree and the benefits accruing to the child as the result of such  
70 division. After the date of judgment, modification of any child support  
71 order issued before, on or after July 1, 1990, may be made upon a  
72 showing of such substantial change of circumstances, whether or not  
73 such change of circumstances was contemplated at the time of  
74 dissolution. By written agreement, stipulation or [by] decision of the  
75 court, those items or circumstances that were contemplated and are  
76 not to be changed may be specified in the written agreement,  
77 stipulation or decision of the court. This section shall not apply to  
78 assignments under section 46b-81 or to any assignment of the estate or  
79 a portion thereof of one party to the other party under prior law. No  
80 order for periodic payment of permanent alimony or support may be  
81 subject to retroactive modification, except that the court may order  
82 modification with respect to any period during which there is a

83 pending motion for modification of an alimony or support order from  
84 the date of service of notice of such pending motion upon the opposing  
85 party pursuant to section 52-50.

86 Sec. 4. Section 49-9a of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective July 1, 2009*):

88 (a) Notwithstanding the provisions of this chapter, a release of  
89 mortgage executed by any person other than an individual that is  
90 invalid because it is not issued or executed by, or fails to appear in the  
91 name of the record holder of the mortgage on one, two, three or four-  
92 family residential real property located in [the state of Connecticut]  
93 this state including, but not limited to, a residential unit in any  
94 common interest community, as defined in section 47-202, shall be as  
95 valid as if it had been issued or executed by, or appeared in the name  
96 of, the record holder of [such] the mortgage unless an action  
97 challenging the validity of the release is commenced and a notice of lis  
98 pendens is recorded in the land records of the town where the release  
99 is recorded within five years after the release is recorded, provided an  
100 affidavit is recorded in the land records of the town where the  
101 mortgage was recorded which states the following:

102 (1) The affiant has been the record owner of the real property  
103 described in the mortgage for at least two years prior to the date of the  
104 affidavit;

105 (2) The recording information for the mortgage, any [assignments]  
106 assignment of the mortgage and the release;

107 (3) Since the date of the recording of the release, the affiant has  
108 received no demand for payment of all or any portion of the debt  
109 secured by [said] the mortgage and has received no notice or  
110 communication that would indicate that all or any portion of the  
111 mortgage debt remains due [or] and owing; and

112 (4) To the best of the affiant's knowledge and belief, the mortgage  
113 debt has been paid in full.

114 (b) The provisions of subsection (a) of this section shall not apply to  
115 any release obtained by forgery or fraud.

116 Sec. 5. Subsection (b) of section 51-164n of the general statutes is  
117 repealed and the following is substituted in lieu thereof (*Effective July*  
118 *1, 2009*):

119 (b) Notwithstanding any provision of the general statutes, any  
120 person who is alleged to have committed (1) a violation under the  
121 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
122 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
123 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,  
124 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
125 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
126 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
127 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
128 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
129 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
130 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
131 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
132 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
133 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
134 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
135 14-153 or 14-163b, a first violation as specified in subsection (f) of  
136 section 14-164i, section 14-219 as specified in subsection (e) of said  
137 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
138 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
139 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of  
140 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,  
141 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section  
142 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,  
143 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,  
144 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,  
145 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section  
146 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,  
147 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,

148 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,  
149 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,  
150 20-265 or 20-324e, [subsection (a) of section 20-341,] section 20-341l, 20-  
151 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-  
152 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,  
153 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-  
154 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-  
155 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-  
156 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-  
157 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)  
158 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,  
159 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of  
160 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449,  
161 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-  
162 65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54,  
163 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131,  
164 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294,  
165 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or  
166 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,  
167 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11,  
168 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32,  
169 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-  
170 52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74,  
171 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,  
172 section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision  
173 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34,  
174 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or  
175 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-  
176 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the  
177 provisions of chapter 268, or (3) a violation of any regulation adopted  
178 in accordance with the provisions of section 12-484, 12-487 or 13b-410,  
179 or (4) a violation of any ordinance, regulation or bylaw of any town,  
180 city or borough, except violations of building codes and the health  
181 code, for which the penalty exceeds ninety dollars but does not exceed  
182 two hundred fifty dollars, unless such town, city or borough has

183 established a payment and hearing procedure for such violation  
184 pursuant to section 7-152c, shall follow the procedures set forth in this  
185 section.

186 Sec. 6. Section 52-225a of the general statutes is repealed and the  
187 following is substituted in lieu thereof (*Effective July 1, 2009*):

188 (a) In any civil action, whether in tort or in contract, wherein the  
189 claimant seeks to recover damages resulting from (1) personal injury or  
190 wrongful death occurring on or after October 1, 1987, or (2) personal  
191 injury or wrongful death, arising out of the rendition of professional  
192 services by a health care provider, occurring on or after October 1,  
193 1985, and prior to October 1, 1986, if the action was filed on or after  
194 October 1, 1987, and wherein liability is admitted or is determined by  
195 the trier of fact and damages are awarded to compensate the claimant,  
196 the court shall reduce the amount of such award which represents  
197 economic damages, as defined in subdivision (1) of subsection (a) of  
198 section 52-572h, by an amount equal to the total of amounts  
199 determined to have been paid under subsection (b) of this section less  
200 the total of amounts determined to have been paid, contributed or  
201 forfeited under subsection (c) of this section, except that there shall be  
202 no reduction for (A) a collateral source for which a right of subrogation  
203 exists, and (B) the amount of collateral sources equal to the reduction  
204 in the claimant's economic damages attributable to the claimant's  
205 percentage of negligence pursuant to section 52-572h.

206 (b) Upon a finding of liability and an awarding of damages by the  
207 trier of fact and before the court enters judgment, the court shall  
208 receive evidence from the claimant and other appropriate persons  
209 concerning the total amount of collateral sources which have been paid  
210 for the benefit of the claimant as of the date the court enters judgment.

211 (c) The court shall receive evidence from the claimant and any other  
212 appropriate person concerning any amount which has been paid,  
213 contributed [,] or forfeited, as of the date the court enters judgment, by,  
214 or on behalf of, the claimant or members of his immediate family to

215 secure his right to any collateral source benefit which he has received  
216 as a result of such injury or death.

217 Sec. 7. Section 52-593a of the general statutes is repealed and the  
218 following is substituted in lieu thereof (*Effective July 1, 2009*):

219 (a) Except in the case of an appeal from an administrative agency  
220 governed by section 4-183, a cause or right of action shall not be lost  
221 because of the passage of the time limited by law within which the  
222 action may be brought, if the process to be served is personally  
223 delivered to a state marshal, [authorized to serve the process]  
224 constable or other proper officer within such time and the process is  
225 served, as provided by law, within thirty days of the delivery.

226 (b) In any such case, the [state marshal] officer making service shall  
227 endorse under oath on such [state marshal's] officer's return the date of  
228 delivery of the process to such [state marshal] officer for service in  
229 accordance with this section.

230 Sec. 8. Subsection (b) of section 53-289c of the general statutes is  
231 repealed and the following is substituted in lieu thereof (*Effective July*  
232 *1, 2009*):

233 (b) The provisions of subsection (a) of this section do not apply to a  
234 ticket reseller who: (1) Resells a ticket for not greater than the face  
235 value printed on the ticket; or (2) maintains a permanent office within  
236 one thousand five hundred feet of the physical structure where the  
237 entertainment event is scheduled to take place provided such reseller  
238 sells, offers to resell or solicits the resale of a ticket only within the  
239 premises of such office in person [,] or by mail, telephone or [over] the  
240 Internet.

241 Sec. 9. Section 53a-35a of the general statutes is repealed and the  
242 following is substituted in lieu thereof (*Effective July 1, 2009*):

243 For any felony committed on or after July 1, 1981, the sentence of  
244 imprisonment shall be a definite sentence and, unless the section of the



245 general statutes that defines the crime specifically provides otherwise,  
246 the term shall be fixed by the court as follows: (1) For a capital felony, a  
247 term of life imprisonment without the possibility of release unless a  
248 sentence of death is imposed in accordance with section 53a-46a; (2) for  
249 the class A felony of murder, a term not less than twenty-five years nor  
250 more than life; (3) for the class A felony of aggravated sexual assault of  
251 a minor under section 53a-70c, a term not less than twenty-five years  
252 or more than fifty years; (4) for a class A felony other than an offense  
253 specified in subdivision (2) or (3) of this section, a term not less than  
254 ten years nor more than twenty-five years; (5) for the class B felony of  
255 manslaughter in the first degree with a firearm under section 53a-55a,  
256 a term not less than five years nor more than forty years; (6) for a class  
257 B felony other than manslaughter in the first degree with a firearm  
258 under section 53a-55a, a term not less than one year nor more than  
259 twenty years; [, except that for a conviction under section 53a-59(a)(1),  
260 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the term shall  
261 be not less than five years nor more than twenty years;] (7) for a class C  
262 felony, a term not less than one year nor more than ten years; [, except  
263 that for a conviction under section 53a-56a, the term shall be not less  
264 than three years nor more than ten years;] (8) for a class D felony, a  
265 term not less than one year nor more than five years; [, except that for a  
266 conviction under section 53a-60b or 53a-217, the term shall be not less  
267 than two years nor more than five years, for a conviction under section  
268 53a-60c, the term shall be not less than three years nor more than five  
269 years, and for a conviction under section 53a-216, the term shall be five  
270 years;] and (9) for an unclassified felony, a term in accordance with the  
271 sentence specified in the section of the general statutes that defines the  
272 crime.

273 Sec. 10. Section 53a-36 of the general statutes is repealed and the  
274 following is substituted in lieu thereof (*Effective July 1, 2009*):

275 A sentence of imprisonment for a misdemeanor shall be a definite  
276 sentence and, unless the section of the general statutes that defines the  
277 crime specifically provides otherwise, the term shall be fixed by the  
278 court as follows: (1) For a class A misdemeanor, a term not to exceed

279 one year; [except that when a person is found guilty under section 53a-  
280 61(a)(3) or 53a-61a, the term shall be one year and such sentence shall  
281 not be suspended or reduced;] (2) for a class B misdemeanor, a term  
282 not to exceed six months; (3) for a class C misdemeanor, a term not to  
283 exceed three months; and (4) for an unclassified misdemeanor, a term  
284 in accordance with the sentence specified in the section of the general  
285 statutes that defines the crime.

286 Sec. 11. Subsection (d) of section 53a-39 of the general statutes is  
287 repealed and the following is substituted in lieu thereof (*Effective July*  
288 *1, 2009*):

289 (d) At a hearing held by the sentencing court or judge under this  
290 section, such court or judge shall permit any victim of the crime to  
291 appear before the court or judge for the purpose of making a statement  
292 for the record concerning whether or not the sentence of the defendant  
293 should be reduced, the defendant should be discharged or the  
294 defendant should be discharged on probation or conditional discharge  
295 pursuant to subsection (a) or (b) of this section. In lieu of such  
296 appearance, the victim may submit a written statement to the court or  
297 judge and the court or judge shall make such statement a part of the  
298 record at the hearing. For the purposes of this subsection, "victim"  
299 means the victim, the legal representative of the victim or a member of  
300 the deceased victim's immediate family.

301 Sec. 12. Section 53a-40b of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective July 1, 2009*):

303 A person convicted of an offense committed while released  
304 pursuant to sections 54-63a to 54-63g, inclusive, or sections 54-64a to  
305 54-64c, inclusive, other than a violation of section 53a-222 or 53a-222a,  
306 may be sentenced, in addition to the sentence prescribed for the  
307 offense to (1) a term of imprisonment of not more than ten years if the  
308 offense is a felony, or (2) a term of imprisonment of not more than one  
309 year if the offense is a misdemeanor.

310 Sec. 13. Subsection (a) of section 53a-148a of the general statutes is

311 repealed and the following is substituted in lieu thereof (*Effective July*  
312 *1, 2009*):

313 (a) A public servant [, as defined in section 53a-146,] is guilty of  
314 failure to report bribery when the public servant: (1) Knows that (A)  
315 another person has attempted to bribe such public servant, as [defined]  
316 provided in section 53a-147, or (B) such public servant has witnessed  
317 either (i) a person attempting to bribe another public servant, as  
318 [defined] provided in section 53a-147, or (ii) another public servant  
319 commit the crime of bribe receiving, as [defined] provided in section  
320 53a-148; and (2) does not, as soon as reasonably practicable, report  
321 such crime to a law enforcement agency.

322 Sec. 14. Section 53a-174b of the general statutes is repealed and the  
323 following is substituted in lieu thereof (*Effective July 1, 2009*):

324 [Any person not authorized] (a) A person is guilty of conveyance or  
325 use of an electronic wireless communication device in a correctional  
326 institution when such person, without authorization by the  
327 Commissioner of Correction or the commissioner's designee, [who] (1)  
328 conveys or possesses with intent to convey an electronic wireless  
329 communication device to any inmate of a correctional institution while  
330 such inmate is in such institution, or (2) uses an electronic wireless  
331 communication device to take a photographic or digital image in a  
332 correctional institution. [, shall be guilty of]

333 (b) Conveyance or use of an electronic wireless communication  
334 device in a correctional institution is a class A misdemeanor.

335 Sec. 15. Subsection (a) of section 53a-192a of the general statutes is  
336 repealed and the following is substituted in lieu thereof (*Effective July*  
337 *1, 2009*):

338 (a) A person is guilty of trafficking in persons when such person  
339 commits coercion as provided in section 53a-192 and the other person  
340 is compelled or induced to (1) engage in conduct that constitutes a  
341 violation of section 53a-82, or (2) [work] provide labor or services.

342 Sec. 16. Section 54-86m of the general statutes is repealed and the  
343 following is substituted in lieu thereof (*Effective July 1, 2009*):

344 Notwithstanding the provisions of section 54-86a, in any criminal  
345 proceeding, any property or material that constitutes child  
346 pornography shall remain in the care, custody and control of the state,  
347 and a court shall deny any request by the defendant to copy,  
348 photograph, duplicate or otherwise reproduce any property or  
349 material that constitutes child pornography [so long as] provided the  
350 attorney for the state makes the property or material reasonably  
351 available to the defendant. Such property or material shall be deemed  
352 to be reasonably available to the defendant if the attorney for the state  
353 provides the defendant, the defendant's attorney or any individual the  
354 defendant may seek to qualify to furnish expert testimony at trial,  
355 ample opportunity for inspection, viewing [,] and examination of the  
356 property or material at a state facility or at another facility agreed upon  
357 by the attorney for the state and the defendant. For the purposes of this  
358 section, "child pornography" [shall have] has the same meaning as in  
359 section 53a-193.

360 Sec. 17. Section 54-102l of the general statutes is repealed and the  
361 following is substituted in lieu thereof (*Effective July 1, 2009*):

362 A person whose DNA profile has been included in the data bank  
363 pursuant to sections 54-102g to 54-102k, inclusive, may request  
364 expungement on the grounds that the criminal conviction or the  
365 finding of not guilty by reason of mental disease or defect on which the  
366 authority for including [his] the person's DNA profile was based has  
367 been reversed and the case dismissed. The State Police Forensic Science  
368 Laboratory shall purge all records and identifiable information in the  
369 data bank pertaining to the person and destroy all samples from the  
370 person upon receipt of (1) a written request for expungement pursuant  
371 to this section, and (2) a certified copy of the court order reversing and  
372 dismissing the conviction or the finding of not guilty by reason of  
373 mental disease or defect.

374 Sec. 18. Subsection (h) of section 54-124a of the general statutes is  
375 repealed and the following is substituted in lieu thereof (*Effective July*  
376 *1, 2009*):

377 (h) The chairperson, or the chairperson's designee, and two  
378 members of the board from among the members assigned by the  
379 chairperson to serve exclusively on parole release panels or the  
380 members appointed by the Governor on or after February 1, 2008, to  
381 serve on parole release panels, shall conduct all parole release hearings  
382 [ , shall, prior to July 1, 2008, approve or deny all parole releases  
383 recommended by an employee of the board pursuant to section 54-  
384 125b,] and shall approve or deny all parole revocations and parole  
385 rescissions recommended by an employee of the board pursuant to  
386 section 54-127a. No panel of the Board of Pardons and Paroles shall  
387 hold a hearing to determine the suitability for parole release of any  
388 person [or, prior to July 1, 2008, hold a meeting to consider the  
389 recommendation of an employee of the board made pursuant to  
390 section 54-125b, to grant parole to a person] unless the chairperson of  
391 the board has made reasonable efforts to determine the existence of  
392 and obtain all information deemed pertinent to the panel's decision  
393 and has certified that all such pertinent information determined to  
394 exist has been obtained or is unavailable.

395 Sec. 19. Subsection (a) of section 54-125a of the general statutes is  
396 repealed and the following is substituted in lieu thereof (*Effective July*  
397 *1, 2009*):

398 (a) A person convicted of one or more crimes who is incarcerated on  
399 or after October 1, 1990, who received a definite sentence or aggregate  
400 sentence of more than two years, and who has been confined under  
401 such sentence or sentences for not less than one-half of the aggregate  
402 sentence or one-half of the most recent sentence imposed by the court,  
403 whichever is greater, may be allowed to go at large on parole in the  
404 discretion of the panel of the Board of Pardons and Paroles for the  
405 institution in which the person is confined, if (1) it appears from all  
406 available information, including any reports from the Commissioner of

407 Correction that the panel may require, that there is reasonable  
408 probability that such inmate will live and remain at liberty without  
409 violating the law, and (2) such release is not incompatible with the  
410 welfare of society. At the discretion of the panel, and under the terms  
411 and conditions as may be prescribed by the panel including requiring  
412 the parolee to submit personal reports, the parolee shall be allowed to  
413 return to the parolee's home or to reside in a residential community  
414 center, or to go elsewhere. The parolee shall, while on parole, remain  
415 under the jurisdiction of the board until the expiration of the  
416 maximum term or terms for which the parolee was sentenced. Any  
417 parolee released on the condition that the parolee reside in a  
418 residential community center may be required to contribute to the cost  
419 incidental to such residence. Each order of parole shall fix the limits of  
420 the parolee's residence, which may be changed in the discretion of the  
421 board and the Commissioner of Correction. Within three weeks after  
422 the commitment of each person sentenced to more than [one year] two  
423 years, the state's attorney for the judicial district shall send to the  
424 Board of Pardons and Paroles the record, if any, of such person.

425 Sec. 20. Subsection (i) of section 54-142q of the general statutes is  
426 repealed and the following is substituted in lieu thereof (*Effective July*  
427 *1, 2009*):

428 (i) Information that may be accessed by the Division of Public  
429 Defender Services pursuant to subsection [(b)] (a) of this section shall  
430 be limited to: (1) Conviction information, as defined in subsection (c) of  
431 section 54-142g, (2) information that is otherwise available to the  
432 public, and (3) information, including nonconviction information,  
433 concerning a client whom the division has been appointed by the court  
434 to represent and is representing at the time of the request for access to  
435 such information.

436 Sec. 21. Subdivision (4) of section 54-201 of the general statutes is  
437 repealed and the following is substituted in lieu thereof (*Effective July*  
438 *1, 2009*):

439 (4) ["Relative of any person"] "Relative" means [the] a person's  
440 spouse, parent, grandparent, stepparent, child, including a natural  
441 born child, [step] stepchild and adopted child, grandchild, brother,  
442 sister, half brother [,] or half sister or [spouse's] the parents of a  
443 person's spouse.

444 Sec. 22. Subsection (a) of section 54-260b of the general statutes is  
445 repealed and the following is substituted in lieu thereof (*Effective July*  
446 *1, 2009*):

447 (a) For the purposes of this section:

448 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)  
449 age or date of birth, (D) electronic mail address, instant message  
450 address or other similar Internet communication identifier, and (E)  
451 subscriber number or identity, including any assigned Internet  
452 protocol address;

453 (2) "Electronic communication" means "electronic communication"  
454 as defined in 18 USC 2510, as amended from time to time;

455 (3) "Electronic communication service" means "electronic  
456 communication service" as defined in 18 USC 2510, as amended from  
457 time to time;

458 (4) "Registrant" means a person required to register under section  
459 54-251, 54-252, 54-253 or 54-254; and

460 (5) "Remote computing service" means "remote computing service"  
461 as defined in section 18 USC 2711, as amended from time to time, [;  
462 and]

463 [(6) "Wire communication" means "wire communication" as defined  
464 in 18 USC 2510, as amended from time to time.]

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>July 1, 2009</i>	46b-15(b)
Sec. 2	<i>July 1, 2009</i>	46b-38b(d)
Sec. 3	<i>July 1, 2009</i>	46b-86(a)
Sec. 4	<i>July 1, 2009</i>	49-9a
Sec. 5	<i>July 1, 2009</i>	51-164n(b)
Sec. 6	<i>July 1, 2009</i>	52-225a
Sec. 7	<i>July 1, 2009</i>	52-593a
Sec. 8	<i>July 1, 2009</i>	53-289c(b)
Sec. 9	<i>July 1, 2009</i>	53a-35a
Sec. 10	<i>July 1, 2009</i>	53a-36
Sec. 11	<i>July 1, 2009</i>	53a-39(d)
Sec. 12	<i>July 1, 2009</i>	53a-40b
Sec. 13	<i>July 1, 2009</i>	53a-148a(a)
Sec. 14	<i>July 1, 2009</i>	53a-174b
Sec. 15	<i>July 1, 2009</i>	53a-192a(a)
Sec. 16	<i>July 1, 2009</i>	54-86m
Sec. 17	<i>July 1, 2009</i>	54-102l
Sec. 18	<i>July 1, 2009</i>	54-124a(h)
Sec. 19	<i>July 1, 2009</i>	54-125a(a)
Sec. 20	<i>July 1, 2009</i>	54-142q(i)
Sec. 21	<i>July 1, 2009</i>	54-201(4)
Sec. 22	<i>July 1, 2009</i>	54-260b(a)



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

Section 17 provides for expungement of DNA data when a person has been found not guilty by reason of mental disease or defect. Any workload necessary to erase records electronically in accordance with this provision would be negligible and would require no additional resources.

The bill makes various technical changes that have no fiscal impact.

House Amendment "A" made technical changes that have no fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****HB 6707 (as amended by House "A")\******AN ACT MAKING MINOR, TECHNICAL AND CONFORMING CHANGES TO CERTAIN STATUTES CONCERNING CRIMINAL AND CIVIL LAW AND PROCEDURE.*****SUMMARY:**

This bill makes a number of unrelated minor, technical, and conforming changes.

By law, a cause of action is not lost by missing a statute of limitations if the process to be served is personally delivered to a state marshal within the required timeframe and the process is served within 30 days of delivery. The bill extends this provision to service of process by constables and other proper officers. These officers are also authorized by statute to serve process (§ 7) (see BACKGROUND).

Rather than list every exception to the statutes that set the penalties for the different crime classifications (such as class A, B, C, and D felonies), the bill includes a general exception that other statutes that define a crime can provide a different penalty (§§ 9-10).

PA 07-123 split the offense of violating the conditions of release by someone released pending trial into 1<sup>st</sup> and 2<sup>nd</sup> degree crimes. The bill makes a conforming change to another statute that imposes a penalty for conviction of an offense while released pending trial. That statute excluded violations under the conditions of release statute. The bill makes a conforming change to exclude both the 1<sup>st</sup> degree and 2<sup>nd</sup> degree crimes (§ 12).

By law, a person convicted or found not guilty by reason of mental disease or defect of certain crimes must submit to the taking of a DNA

sample. Current law allows someone whose DNA profile has been included in the data bank to request its expungement if his or her criminal conviction is reversed and the case dismissed. The bill extends this provision to cases in which a finding of not guilty by reason of mental disease or defect is reversed and the case dismissed (§ 17).

The bill eliminates a definition of “wire communication” in the provisions on criminal investigation of sex offender registrants using the Internet because it is not used in those provisions (§ 22).

\*House Amendment “A” makes a technical change.

EFFECTIVE DATE: July 1, 2009

## **BACKGROUND**

### ***Related Case—Service of Process***

A Superior Court judge recently interpreted the statute that preserves lawsuits if the process is delivered to a state marshal within the required timeframe to file the action. The judge noted that the statute was amended as part a large bill to reform the sheriffs system and it was one of many statutes amended to give state marshals, instead of sheriffs, the power to serve process. This particular statute was amended to replace the broader term “officer,” which would have included constables and other proper officers who are authorized to serve process, with “state marshal.” The judge concluded that the amendment was not intended to exclude process served by constables and a proper interpretation of the statute allowed it to apply to process given to a constable (*Abitz v. Fierer*, 44 CLR 820 (January 15, 2008)).

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 38      Nay 0      (03/27/2009)